

Message Text

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ACTION DLOS-09

INFO OCT-01 EUR-12 NEA-10 ISO-00 FEA-01 FPC-01 STR-04
ACDA-10 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-04
ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05 IO-14
JUSE-00 L-03 NSAE-00 NSC-05 NSF-02 OES-07 OMB-01
PA-02 PM-05 PRS-01 SP-02 SS-15 USIA-15 /162 W
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R 021940Z AUG 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 6546
INFO AMEMBASSY LONDON
AMEMBASSY DUBLIN
AMEMBASSY BRUSSELS
AMEMBASSY THE HAGUE
AMEMBASSY BONN
AMEMBASSY COPENHAGEN
AMEMBASSY OSLO
AMEMBASSY STOCKHOLM
AMEMBASSY ROME
AMEMBASSY MADRID
AMEMBASSY LISBON
AMEMBASSY TEHRAN
AMEMBASSY KUWAIT
AMEMBASSY JIDDA
AMEMBASSY DOHA
AMEMBASSY ABU DHABI
AMEMBASSY MUSCAT
AMEMBASSY BAHRAIN
AMEMBASSY ATHENS
AMEMBASSY ANKARA
USINT BAGHDAD

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E.O. 11652: N/A
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TAGS: PLOS ENGR UK FR
SUBJECT: LOS - GOF EXPRESSES SATISFACTION WITH CELTIC
SEA AND CHANNEL ISLANDS CONTINENTAL SHELF DELIMITATION.

1. SUMMARY: ON JULY 25, GOF ANNOUNCED DECISION OF
INTERNATIONAL ARBITRATION TRIBUNAL DIVIDING FRENCH/

BRITISH CONTINENTAL SHELF IN CELTIC SEA AND ENDING TWO-YEAR DISPUTE OVER OIL DRILLING RIGHTS. TRIBUNAL'S DECISION, WHICH COULD AFFECT SIMILAR DISPUTES IN AEGEAN SEA AND PERSIAN GULF, ACCEPTS INFLUENCE OF COASTAL ISLANDS UPON DELIMITATION LINES, BUT SIMULTANEOUSLY SEEKS NOT REPEAT NOT TO DISADVANTAGE STATE WITH ISLANDS LYING CLOSER TO ITS MAINLAND. TRIBUNAL ALSO SET SEPARATE CONTINENTAL SHELF DIVIDING LINE TO NORTH AND WEST OF CHANNEL ISLANDS. ITS JUDGEMENTS ENTER INTO FORCE IMMEDIATELY AND ARE WITHOUT APPEAL. END SUMMARY.

2. ON JULY 25, GOF ANNOUNCED DECISION REACHED JULY 18 BY GENEVA-BASED FIVE-MAN INTERNATIONAL ARBITRATION TRIBUNAL HEADED BY FINN, ERIK CASTREN, WHICH HAD BEEN EMPOWERED TO RESOLVE TWO-YEAR-OLD FRENCH/BRITISH DISPUTE OVER OIL DRILLING RIGHTS IN CELTIC SEA (WESTERN APPROACHES TO ENGLISH CHANNEL). TRIBUNAL'S MANDATE--WHICH WAS TO DIVIDE CONTINENTAL SHELF BETWEEN ENGLAND AND FRANCE OUT TO 1,000-METER DEPTH LINES IN ATLANTIC -- PRODUCED DIVIDING LINE WHICH, AS EXPECTED ACCEPTED NEITHER BRITISH NOR FRENCH PRIOR POSITIONS. THESE POSITIONS HAD LED TO STALEMATE OF DIRECT BILATERAL NEGOTIATIONS BETWEEN TWO COUNTRIES.

3. TRIBUNAL'S FINAL LINE IN CELTIC SEA RUNS JUST SCANT DISTANCE NORTH OF LINE OF EQUIDISTANCE "WITHOUT-THE-ISLANDS" UNCLASSIFIED

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WHICH FRANCE HAD MUCH PREFERRED TO UK-SUPPORTED LINE OF EQUIDISTANCE "WITH-THE-ISLANDS." THIS LATTER VEERED OFF SOUTHWARD FROM FRENCH CLAIM UP TO 50 KILOMETERS BY BASING EQUIDISTANCE NOT FROM LAND'S END AND POINT ST. MATHIEU, BUT RATHER FROM SCILLY ISLANDS AND ILE D' OUESSANT. NEARNESS OF TRIBUNAL'S FINAL MEDIAN LINE TO LINE OF EQUIDISTANCE "WITHOUT-THE-ISLANDS" HAS PROMPTED GOF STATEMENTS ON DECISION WHICH SEEM TO CONVEY MORE THAN JUST SIMPLE SATISFACTION. CHIEF QUAI NEGOTIATOR WAS LEGAL AFFAIRS DIRECTOR AND LOS DELEGATE DE LACHARRIERE. HE HELD PRESS CONFERENCE JULY 25 AND, AFTER NOTING FRANCE'S SATISFACTION WITH AND ACCEPTANCE OF TRIBUNAL'S DECISION, STATED THAT "FRANCE HAS OBTAINED FROM GREAT BRITAIN IN THIS ARBITRATION A NET GAIN OVER THAT WHICH BRITAIN REFUSED TO ACCORD IT BY MEANS OF NEGOTIATION." PARIS MEDIA PLAY HAS HIGHLIGHTED THIS STATEMENT.

4. WHETHER OR NOT GOF COLORATION IS WARRANTED DEPENDS ON ONE'S POINT OF VIEW. TO OUR OWN DISINTERESTED EYE, ARBITRATORS' DECISION LOOKS AWFULLY CLOSE TO STRAIGHT 50/50 SPLIT. FRENCH STATEMENTS, HOWEVER, ARE STRESSING THAT IN RELATION TO UK PROPOSAL FINAL DECISION GAINS FOR FRANCE 5,744 SQUARE KILOMETERS IN CELTIC SEA AND 2,957 SQUARE KILOMETERS IN AREA OF CHANNEL

ISLANDS WHERE TRIBUNAL HAS ALSO DETERMINED SEPARATE CONTINENTAL SHELF DIVIDING LINE FOR WATERS TO NORTH AND WEST OF JERSEY AND GUERNSEY (PARA 8 BELOW). TRIBUNAL REJECTED FRENCH PROPOSAL MADE DURING BILATERAL NEGOTIATIONS, FOR YET ANOTHER CELTIC SEA LINE (CALLED "MEDIAN OF LINES OF LISSAGE"; I.E. NATURAL COASTAL EXTENSIONS) WHICH RAN JUST AS FAR NORTHWARD INTO WHAT UK REGARDED AS ITS OWN PRESERVE AS DID "WITH-THE-ISLANDS" LINE SOUTHWARD INTO AREA OF FRENCH ASPIRATIONS. LISSAGE LINE, HOWEVER, WAS NOT CONSIDERED TO BE FOUNDED ON AS GOOD LEGAL ARGUMENTS AS OPPOSING UK LINE, AND REAL FRENCH HOPE WAS TO GET FINAL DELIMITATION NEAR TO SIMPLE LINE OF EQUIDISTANCE FROM EXTREMITIES OF TWO STATES' PRINCIPAL LAND MASSES. SINCE FINAL LINE LIES EVEN SOMEWHAT NORTH OF THIS GOAL, FRENCH ARE HAPPY. BOTH STATES HAVE GIVEN PRIOR ACQUIESCENCE TO TRIBUNAL'S UNCLASSIFIED

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DECISION, AND IT ENTERS INTO FORCE IMMEDIATELY AND WITHOUT APPEAL.

5. PLOTTING TECHNIQUE USED BY TRIBUNAL IS SIGNIFICANT BUT COMPLICATED. EVEN BRIEF DESCRIPTION MAKES FOR TURGID READING. TWO MAIN ELEMENTS OF DECISION SEEM TO BE (1) DIVIDING LINE SHOULD NOT RPT NOT NEGLECT EFFECT OF COASTAL ISLANDS IN DETERMINING FAIR APPORTIONMENT OF CONTINENTAL SHELF, BUT (2) WHEN BOTH STATES HAVE ISLANDS WHICH COULD AFFECT APPORTIONMENT, STATE WITH ISLANDS CLOSER TO ITS MAINLAND SHOULD NOT RPT NOT BE SUBJECT TO DISADVANTAGE OF HAVING SHELF (MORE)

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R 021940Z AUG 77

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 6547

AMEMBASSY LONDON
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AMEMBASSY ABU DHABI
AMEMBASSY MUSCAT
AMEMBASSY BAHRAIN
AMEMBASSY ATHENS
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DIVIDING LINES MARKEDLY ALTERED IN FAVOR OF STATE WITH
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ISSLANDS FURTHER AWAY FROM ITS COASTS. TRIBUNAL'S
FINAL LINE IN CELTIC SEA IS A COMPROMISE BASED ON THESE
ELEMENTS. ITS DELIMITATION UTILIZES A TRACE DRAWN
EQUIDISTANT FROM LAND'S END ON UK MAINLAND AND FRENCH
ISLAND OF OUESSANT. WHILE THIS PRESERVES INFLUENCE OF
CLOSE-IN FRENCH ISLAND, IT ELIMINATES INFLUENCE OF
FURTHER-OUT SCILLY ISLES. TO CORRECT FOR OMISSION OF
SCILLY ISLES, TRIBUNAL TERMINATED USE OF LAND'S END/
OUESSANT PRINCIPLE AT POINT WHERE FINAL TRACE IS
BISECTED BY UK-FAVORED WITH-THE-ISLANDS LINE, WHICH
IS RPT IS BASED ON SCILLY ISLES AS WELL AS OUESSANT.
TRIBUNAL REASONS THAT CELTIC SEA PORTION OF ITS FINAL
LINE HAS THUS GIVEN "HALF EFFECT TO SCILLY" AND FULL
EFFECT TO OUESSANT," SINCE FORMER IS TWICE AS FAR OUT
AT SEA AS LATTER. THEREAFTER, TRACE CONTINUES
NORTHEASTWARD UP ENGLISH CHANNEL ALONG LINE REQUESTED
BY UK.

6. PRESS COMMENTS HERE NOTE CELTIC SEA ARBITRATION
WILL AFFECT SIMILAR DISPUTES IN AEGEAN SEA AND
PERSIAN GULF. ALTHOUGH TRIBUNAL'S REASONING IS
CERTAIN TO BE CITED IN FUTURE LEGAL ARGUMENTS, ITS

DECISION TO SUPPORT PRINCIPLE OF EQUATING INFLUENCE OF OFFSHORE ISLANDS BY NO MEANS CONSTITUTES AUTOMATICALLY APPLICABLE PRECEDENT VIS-A-VIS THESE OTHER SITUATIONS. FRENCH/BRITISH ARBITRATION WAS CARRIED OUT UNDER AEGIS OF 1958 CONTINENTAL SHELF CONVENTION, WHICH ESTABLISHES THAT SIMPLE RULE OF EQUIDISTANCE WILL BE DETERMINING "UNLESS SPECIAL CIRCUMSTANCES JUSTIFY ANOTHER METHOD OF DELIMITATION." TRIBUNAL HAS MAINTAINED NOT ONLY THAT THIS WAS "SPECIAL CIRCUMSTANCE, " BUT ALSO THAT AFFECTED STATES THEMSELVES MAY NOT RPT NOT HAVE TO ACCEPT PRINCIPLE OF EQUIDISTANCE UNCLASSIFIED

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EXCEPT BY EXPRESSED AGREEMENT. THIS LATTER POINT HAD BEEN ONE OF FRANCE'S SPECIFIC RESERVATIONS WHEN IT RATIFIED 1958 CONVENTION. FACT THAT TRIBUNAL ACCEPTED THIS FRENCH CONTENTION STRENGTHENS LIKELIHOOD THAT, IN FUTURE, CONTINENTAL SHELF ARBITRATION EFFORTS, INTERESTED PARTIES THEMSELVES WILL ASSUME RIGHT TO DETERMINE WHETHER "SPECIAL CIRCUMSTANCES" EXIST OR NOT.

7. CONCLUSION OF ARBITRATION NOW SETS DEFINITIVE NORTHERN LIMITS TO THREE OIL EXPLORATION CONCESSIONS GRANTED BY FRANCE IN APRIL 1975 TO GROUP COMPRISING ELF-AQUITAINE (OPERATOR), TOTAL, SHELL, ESSO, BP, AND NORSK HYDRO. CONCESSIONS ARE KNOWN AS "IROISE," "ARMOR," AND "MER CELTIQUE." THEY NOW CONTAIN APPROXIMATELY 9000, 18,000, AND 18,000 SQUARE KILOMETERS RESPECTIVELY IN LOCATION RUNNING FROM OFF COAST OF BRITTANY OUT TO LIMIT OF CONTINENTAL SHELF. THREE PREVIOUS EXPLORATION WELLS PUT DOWN IN THIS GENERAL AREA IN 1975 WERE "DRY," HOWEVER, AND COMPANY GEOLOGISTS ARE OF MIXED OPINIONS IN THEIR ESTIMATES OF REGION'S POTENTIAL FOR COMMERCIAL OIL PRODUCTION. SOME GAS TRACES HAVE BEEN FOUND. ELF HAD SUSPENDED FURTHER ACTIVITIES IN AREA PENDING CONCLUSION OF ARBITRATION, AND ALTHOUGH FRENCH PRESIDENT GISCARD D'ESTAING HAS JUST DECLARED WORK WILL BE RESUMED IMMEDIATELY, WE ARE TOLD COMPANY BUDGET ALSO DOES NOT HAVE ENOUGH FAT IN IT TO PERMIT ANY MORE THAN TOKEN EFFORT IN CELTIC SEA FOR REMAINDER OF THIS CALENDAR YEAR.

8. TRIBUNAL'S DECISION RE CHANNEL ISLANDS--WHERE CONFLICTING OIL EXPLORATION CLAIMS WERE NOT RPT NOT AN ISSUE--REJECTED UK CONTENTION THAT SEABED SURROUNDING THESE ISLANDS CONSTITUTES CONTIGUOUS PART OF UK'S CONTINENTAL SHELF. RATHER, IT ACCEPTED FRENCH VIEW THAT ISLANDS SHOULD BE JUDGED AN ENCLAVE WITHIN FRENCH UNCLASSIFIED

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SHELF. TRIBUNAL DID NOT ACCEPT FRENCH PROPOSAL THAT
MINI-PLATEAU OF ONLY 6 MILES BE ALLOWED TO EACH
ISLAND. INSTEAD, A 12-MILE AREA TO NORTH AND WEST OF
CHANNEL ISLANDS HAS BEEN DELIMITED AS UK WISHED.
TRIBUNAL MADE NO RPT NO DECISION RE SHELF TO EAST AND
SOUTH OF CHANNEL ISLANDS, SAYING THESE AREAS CONSTITUTE
TERRITORIAL WATERS OF TWO STATES, AND THEY SHOULD BE
DIVIDED ON BASIS OF DIRECT NEGOTIATIONS BETWEEN LONDON
AND PARIS.

9. WE ARE FORWARDING TO DEPARTMENT (E/LOS) XEROX
COPY OF ROUGHT MAP OF DECISION PUBLISHED BY LE MONDE
JULY 26, AND WILL FORWARD COMPLETE COPY OF TRIBUNAL'S
DECISION AS SOON AS WE HAVE OBTAINED ONE.
HARTMAN

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Message Attributes

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Disposition Comment:
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Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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SAS ID: 1418771
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Status: NATIVE
Subject: LOS - GOF EXPRESSES SATISFACTION WITH CELTIC SEA AND CHANNEL ISLANDS CONTINENTAL SHELF DELIMITATION.
TAGS: PLOS, ENRG, UK, FR
To: STATE
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vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/c4dc9e4f-c288-dd11-92da-001cc4696bcc
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